
HOUSE BILL No. 1442

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-10.1; IC 33-19.

Synopsis: City and town teen courts. Allows cities and towns to establish teen courts. Allows cities and towns, upon the adoption of an ordinance, to assess an additional court fee of \$9 on certain cases to be used for the establishment and maintenance of a teen court. Provides that city and town courts have juvenile jurisdiction if the city or town has established a teen court.

Effective: July 1, 2001.

Smith V

January 11, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1442

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-10.1-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) During 1986, and
3 during every fourth year after 1986, a second or third class city or a
4 town may by ordinance establish or abolish a city or town court. An
5 ordinance to establish a city or town court must be adopted not less
6 than one (1) year before the judge's term would begin under
7 IC 33-10.1-3-1.1.
8 (b) The judge for a court established under subsection (a) shall be
9 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in
10 November 1987 and every four (4) years thereafter.
11 (c) A court established under subsection (a) shall come into
12 existence on January 1 of the year following the year in which a judge
13 is elected to serve in that court.
14 (d) A city or town court in existence on January 1, 1986, may
15 continue in operation until it is abolished by ordinance.
16 (e) A city or town that establishes or abolishes a court under this
17 section shall give notice of its action to the division of state court

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administration of the office of judicial administration under IC 33-2.1-7.

(f) A city or town may by ordinance establish a teen court by following the procedures set forth in this section.

SECTION 2. IC 33-10.1-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 9. (a) As used in this section, "teen" means a person less than eighteen (18) years of age.**

(b) Notwithstanding any statute that vests juvenile jurisdiction in another court, if a city or town has established a teen court under IC 33-10.1-1-3(f), the city or town teen court has the following jurisdiction in juvenile matters:

(1) Proceedings in which a teen is alleged to have committed an act that would be a misdemeanor traffic offense if committed by an adult.

(2) Proceedings in which a teen is alleged to have committed an act that would be a misdemeanor under IC 9-30-5 if committed by an adult.

(3) Proceedings in which a teen is alleged to have violated IC 7.1-5-7.

(4) Proceedings in which a teen is alleged to have committed an infraction.

(5) Proceedings in which a teen is alleged to have violated an ordinance.

(c) A teen court established under IC 33-10.1-1-3(f) must follow juvenile procedure under IC 31-37.

(d) A teen court established under IC 33-10.1-1-3(f) may use the informal adjustment program described in IC 31-37-9. Informal adjustment program fees collected by the court clerk must be transferred to the county auditor for deposit in the county user fee fund under IC 31-37-9-10.

(e) A teen court established under IC 33-10.1-1-3(f) may use the county juvenile probation department. Probation user's fees collected by the court clerk under IC 31-40-2 must be deposited into the county supplemental juvenile probation services fund.

SECTION 3. IC 33-10.1-2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 10. (a) In each city or town in which a teen court has been established, the city or town may adopt a mandatory fee to be assessed in specific cases as provided in subsection (b) by incorporating by reference the provisions of this section in a city or town ordinance.**

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(b) This section applies to:

- (1) acts committed by teens that would result in misdemeanor convictions if committed by adults;
- (2) judgments against teens for infractions that are traffic offenses (as defined in IC 9-30-3-5); and
- (3) acts committed by teens that would result in misdemeanor convictions if committed by adults in which prosecution is withheld under IC 33-14-1-7.

(c) The clerk of the city or town court shall collect a teen court fee of nine dollars (\$9) for each action described in subsection (b) in which a teen is adjudicated by the court to be a delinquent child.

(d) The teen court fee shall be assessed in addition to any fine, civil penalty, or other court cost.

(e) The teen court fee shall be added to any fine, penalty, or other court cost paid for an adjudication of delinquency as a result of a traffic offense (as defined in IC 9-30-3-5), whether the penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court.

(f) The teen court fee may not be assessed against a person for a violation of a state statute or local ordinance relating to the parking of a motor vehicle, other than a violation of the handicapped parking laws under IC 5-16-9-5.

(g) The clerk of the city or town court shall collect the teen court fees required by this section and remit the fees monthly to the city or town user fee fund established by IC 33-19-8-3.

(h) The office of the city or town clerk shall retain five percent (5%) of the teen court fees for the costs of administering this section.

SECTION 4. IC 33-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).

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(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5 (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5 (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) This subsection applies to a city or town that has adopted an ordinance under IC 33-10.1-1-3. The clerk of the city or town court shall collect the fees described in this section that are ordered by the teen court in a juvenile action described in IC 33-10.1-2-9 and shall remit the fees monthly to the city or town user fee fund established by IC 33-19-8-3. The clerk shall retain five percent

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1 **(5%) of the fees collected under this subsection to cover the**
2 **administrative costs of collecting the fee.**

3 SECTION 5. IC 33-19-8-3 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A city or town
5 user fee fund is established in each city or town having a city or town
6 court for the purpose of supplementing the cost of various program
7 services. The city or town fund shall be administered by the fiscal
8 officer of the city or town.

9 (b) The city or town fund consists of the following fees collected by
10 a clerk under this article:

11 (1) The pretrial diversion program fee.

12 (2) The alcohol and drug services fee.

13 (3) The law enforcement continuing education program fee.

14 (4) The deferral program fee.

15 **(5) The teen court fee collected under IC 33-10.1-2-10.**

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